

**FITZPATRICK, CELLA, HARPER & SCINTO**  
 30 Rockefeller Plaza  
 New York, NY 10112-3801  
 (212) 218-2100  
 Facsimile: (212) 218-2200

**FACSIMILE COVER SHEET**

---

**TO:** Krista Zele  
 Special Programs Examiner  
 U.S. Patent and Trademark Office

---

**FROM:** Raymond DiPerna

---

**RE:** U.S. Patent Appln. No. 09/827,925  
 Canon Ref. CFO 12124 USA

---

**FAX NO.:** 703-746-5919

---

**DATE:** July 21, 2003 **NO. OF PAGES:**  
 (including cover page)

---

**TIME:** **SENT BY:**

---

**MESSAGE**

Dear Ms. Zele:

*Amndt + Suppl. declt* ↘ ↙ 1414.D1

I received your voice mail message this morning. As previously discussed, enclosed please find a draft Supplemental Declaration For Reissue Patent Application which we have prepared directed to the above-identified application. Once you have reviewed and approved this document, I will forward it to the inventor for signature and I will immediately return the executed document to you along with the Amendment.

As you'll recall, you and I agreed upon removing the language "and for encoding the second prediction error difference on the basis of the judged appearing and unappearing prediction error differences" from the judging means of Claim 1, and amending the encoding means to read "encoding means for encoding the second prediction error difference on the basis of the judged appearing and unappearing prediction error differences and one of the first and second corresponding relationships to obtain corresponding encoding data." Independent Claims 7 and 8 will of course be amended similarly.

Please call me after you have reviewed the supplemental declaration.

Thank you,  
 Raymond DiPerna

**IF YOU DO NOT RECEIVE ALL THE PAGES  
 PLEASE CALL 212-218-2100 AS SOON AS POSSIBLE.**

**Note:** We are transmitting from a Canon Model FAX-L770  
 (compatible with any Group I, Group II or Group III machine).

THIS FACSIMILE MESSAGE AND ACCOMPANYING DOCUMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE INDICATED ABOVE. INFORMATION THAT IS PRIVILEGED OR OTHERWISE CONFIDENTIAL MAY BE CONTAINED THEREIN. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, REVIEW OR USE OF THIS MESSAGE, DOCUMENTS OR INFORMATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR FACSIMILE AND MAIL THE ORIGINAL TO US AT THE ABOVE ADDRESS. THANK YOU.

03500.012124.36

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
HIROSHI KAJIWARA ) : Examiner: Wepeng Chen  
Appln. No.: 09/827,925 ) : Group Art Unit: 2624  
Filed: April 9, 2001 ) :  
For: IMAGE ENCODING )  
BASED ON JUDGEMENT ON ) :  
PREDICTION ERROR : DRAFT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL DECLARATION FOR REISSUE PATENT  
APPLICATION TO CORRECT "ERRORS"  
STATEMENT (37 C.F.R. § 1.175)**

Sir:

As the below named inventor, I hereby declare and say that:

1. I believe that I am the original, first inventor of the subject matter which is claimed in the subject reissue application and for which a reissue patent is sought on the invention entitled IMAGE ENCODING BASED ON JUDGEMENT ON PREDICTION ERROR, the specification of which was filed in the Patent and Trademark Office on April 9, 2001, and accorded Application No. 09/827,925, and amended on July \_\_\_\_\_, 2003.

2. I have reviewed and understand the contents of the reissue application, including the claims.

3. I acknowledge my duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 C.F.R. § 1.56.

4. I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or §365(b), of the foreign applications for patent listed below and have also identified below any foreign application for patent or inventor's certificate or PCT international application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filing Date</u>	<u>Priority Claimed</u>
Japan	8-155501	June 17, 1996	Yes
Japan	8-155502	June 17, 1996	Yes

5. I hereby declare and say that every error in the original U.S. Patent 6,028,963 which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

6. I believe that the original U.S. Patent 6,028,963 is partly inoperative by reason of my having claimed more or less than I had the right to claim; specifically, the claim language "and for encoding the second prediction error difference on the basis of the judged appearing and unappearing prediction error differences" should not have been

included in the paragraph reciting the judging means of patent Claim 1, and also should not have been included in the paragraph reciting the judging step of patent Claims 7 and 8, since the subject matter defined by that claim language is essentially redundant of the encoding performed by the encoding means of patent Claim 1 and the encoding step of Claims 7 and 8, respectively. Thus, one of the errors in our U.S. Patent 6,028,963 is that none of those original patent claims provides adequate protection for aspects of the present invention which do not include the aforescribed redundancy. These aspects of the invention are now set forth in Claims 1, 7, and 8 as amended in the present reissue application. For example, as now amended, Claim 1 recites, in part, judging means for judging an appearing prediction error difference and an unappearing prediction error difference on the basis of the first prediction error difference, wherein the second prediction error difference is not used in the judging operation, and Claims 7 and 8, as now amended, each recite, in part, judging an appearing prediction error difference and an unappearing prediction error difference on the basis of the first prediction error difference, wherein the second prediction error difference is not used in the judging operation. The judging means of amended Claim 1, and the judging step of Claims 7 and 8, do not require the above-quoted subject matter, previously recited in original patent Claims 1, 7 and 8.

During the prosecution of U.S. Patent Application No. 08/874,581, which matured into the above-identified U.S. Patent, I did not appreciate that the above-quoted subject matter relating to encoding the second prediction error difference should not have been recited in the paragraph reciting the judging means of Claim 1, and in the paragraph reciting the judging step of Claims 7 and 8. After that patent issued, I noticed that the

above-quoted subject matter should not have been recited in the mentioned paragraphs of Claims 1, 7, and 8.

Accordingly, I believe that the failure of U.S. Patent 6,028,923 to provide adequate protection for the aspects of my invention discussed above and now set forth in amended Claims 1, 7 and 8 renders the patent partly inoperative for the reason that I claimed more or less than I had the right to claim in the patent.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole Inventor HIROSHI KAJIWARA

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Citizenship/Subject of JAPAN

Residence 3-317, 3-1-1 WAKABADAI, INAGI-SHI, TOKYO, JAPAN

Post Office Address C/o Canon Kabushiki Kaisha, 30-2, 3-chome, Shimomaruko, Ohta-ku, Tokyo, Japan

NY\_MAIN 353864v1